

**SEP 15 2006**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

WALTER ENRIQUE MARTINEZ-  
LOPEZ,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney  
General,

Respondent.

No. 04-76528

Agency No. A95-211-028

MEMORANDUM\*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted September 11, 2006\*\*

Before: PREGERSON, T.G. NELSON, and GRABER, Circuit Judges.

Walter Enrique Martinez-Lopez, a native and citizen of El Salvador,  
petitions pro se for review of the Board of Immigration Appeals' decision  
summarily affirming an Immigration Judge's ("IJ") denial of his application for

---

\* This disposition is not appropriate for publication and may not be  
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

\*\* This panel unanimously finds this case suitable for decision without  
oral argument. *See* Fed. R. App. P. 34(a)(2).

asylum and withholding of removal, and request for relief under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence and will uphold the IJ’s decision unless the evidence compels a contrary conclusion. *INS v. Elias-Zacarias*, 502 U.S. 478, 481, 483-84 (1992). We deny the petition.

Substantial evidence supports the IJ’s conclusion that Martinez-Lopez did not establish past persecution or a well-founded fear of future persecution. The single incident in which Martinez-Lopez and the other members of his church were threatened by guerillas was at most an attempt at recruitment, and does not constitute persecution. *See id.* at 482. Moreover, Martinez-Lopez remained in El Salvador for three years after the encounter without further incident, undermining his claim of a well-founded fear of future persecution. *See Lata v. INS*, 204 F.3d 1241, 1245 (9th Cir. 2000).

Because Martinez-Lopez failed to establish eligibility for asylum, he necessarily failed to meet the more stringent standard for withholding of removal. *See Fisher v. INS*, 79 F.3d 955, 960-61 (9th Cir. 1996) (en banc).

Martinez-Lopez also failed to establish a CAT claim because he did not show that it was more likely than not that he would be tortured if he returned to El Salvador. *See Kamalthas v. INS*, 251 F.3d 1279, 1284 (9th Cir. 2001).

**PETITION FOR REVIEW DENIED.**